

REMARKS

Claim Rejections

Claims 1-4, 6-8, 12-22, 32-33 and 35-42 stand rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 6,113,4492 (Walker).

Claims 5, 23-31 and 34 stand rejected under 35 USC 103(a) as unpatentable over Walker in view of U.S. Patent Application Publication No. 2002/0152120 (Howington). Claims 9-11 stand rejected under 35 USC 103(a) as unpatentable over Walker in view of U.S. Patent Application Publication No. 2003/00544878 (Benoy et al.).

Final Rejection Is Premature

It is respectfully submitted that the final rejection is premature. New claim rejections have been made. As such, it is requested that the final rejection be withdrawn. M.P.E.P. §§ 706.07(c) & (d).

Claim Amendments

Independent claims 1, 35, 38 and 41 have been amended to patentably distinguish over the cited references. Additionally, claim 43 has been added.

The Cited Art

Walker discloses a gaming system wherein a slot machine 100 operates in both a normal payout mode and a reverse payout mode. In the normal payout mode, the slot machine operates in a conventional manner. (Col. 4, lines 9-11). In the reverse payout mode, the ratio of winning outcomes to losing outcomes is greater than one. That is, the statistical likelihood of generating any winning outcome is greater than the statistical likelihood of generating any losing outcome. (Col. 5, lines 40-55).

Howington is directed to a casino management system for tracking machine history, for tracking location history, for tagging construction activity in a casino location, and for changing machine placards without losing historical machine or location information. (§0019). Figures 4-8 illustrate sample display screens for viewing and querying historical records associated with gaming machines. Specifically, Figure 4 illustrates a graphical interface for viewing, querying and retrieving placard changes and location changes for various gaming machines. (§0029). The display screen of Figure 5 provides information on machine performance as opposed to machine location, placard and revision history. (§0032). Figure 6 contains similar location, placard and

machine information as is displayed in Figures 4 and 5. Figure 6 also includes information relating to wins, recorded currency amounts and counts for a particular gaming machine. (§0033). Figure 7 illustrates a visual analysis tool presenting machine performance information as bar graphs in a data table. (§0038). Figure 8 demonstrates the sortability and relational features of the visual analysis in presenting comparisons between machines regarding performance, manufacturer, denomination, average daily win, total win and coin in. (§0039) Further, Figures 10-12 illustrate casino floor layouts. Specifically, Figure 10 is an overhead two dimensional view of gaming machines on a casino floor. (§0042). Figures 11 and 12 show possible three dimensional views of the gaming machines. (§0048). All these figures of Howington represent displays and information used by casino management to manage and operate the various gaming machines in a casino.

Benoy et al. is directed to a gaming machine used to provide a method of registering a player to a loyalty program. (Abstract). The gaming machine may have a touch screen display 16 used as an interface to provide player tracking services and to provide other game services to a player playing a game on the gaming machine. (§0036). A printer button 204 may be used to obtain metering information about a printer on the gaming machine that issues printed tickets that may be used to obtain gaming credits on the gaming machines or redeemed for cash. (§0066).

Applicant's Claimed Invention is Neither Anticipated Nor Would It Have Been Obvious

Walker does not disclose each and every limitation of amended independent claims 1, 35, 38 and 41. Thus, these claims are not anticipated by Walker.

Further, the combination of Walker and Howington or Benoy et al. does not result in Applicants' claimed invention, as set out in dependent claims 5, 9-11, 23-31 and 34. Thus, a prima facie case of obviousness has not been made out.

Amended claim 1, for instance, calls for a method for communicating a report concerning a gaming machine's past payout data to a player. The method includes tracking gaming machine payout data and storing a record of the payout data in memory accessible by the gaming machine. The method further includes accepting criteria from a player such that particular payout data is selected from the record to generate a report, based on the selected payout data, which allows the player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player. The report derived from the record is communicated to the player.

Amended claim 41, by way of example, calls for a system for displaying the past payout data of a gaming machine. The system comprises a plurality of gaming machines, each gaming machine having a display, and a server coupled to the plurality of gaming machines. Past payout data is stored on the server and an input device is configured to accept criteria from a player. A processor is structured to analyze the past payout data using the criteria input by the player such that particular past payout data is selected from the past payout data stored on the server to generate an indicia on the display, the indicia corresponding to the past payout data selected using the criteria input by the player such that the player can identify a gaming machine from among the plurality of gaming machines that is more likely to produce an outcome desired by the player.

In Walker, a player is not able to input criteria such that particular payout data is selected from a record of payout data to generate a report based on the criteria input by the player. Rather, the system of Walker allows a player to play a gaming machine in either a normal payout mode or a reverse payout mode. In the reverse payout mode, the player has a better chance of winning. The gaming machine display indicates what payout mode is being used.

Moreover, the system of Walker does not generate a report which allows a player to identify a gaming machine from among a plurality of gaming machines that is more likely to produce an outcome desired by the player. The gaming machine of Walker also does not generate a report concerning a gaming machine's past payout data. Instead, in Walker, a player simply selects between one of two modes of gaming machine play.

Therefore, it is respectfully submitted that Applicant's claimed invention is not anticipated by nor would it have been obvious in view of Walker, either alone or in combination with other references.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P328).

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Respectfully submitted,

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